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| KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP | | | RAYYAN, SUSAN F | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,152

Applicant(s)

COLEMAN, DONALD P.

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 1937.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-37 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-2, 4,6-8, 16, 20-32, 37 are rejected under 35 U.S.C. 102(e) as being anticipated by McDonald et al (Pub. No.: US 2004/0019558).**

As per claims 1 McDonald anticipates:

reviewing asset-related data contained on at least one document pursuant to

securitization of multiple assets at paragraphs 127,130,138;

receiving said document into said database on a flow basis including receiving

information from said document into said database as said document information

becomes available for entry into said database at paragraphs 130,315;

analyzing contents of said document to ensure compliance with at least one standard at paragraph 124;

and providing output data from said record in said database, wherein said output data includes at least data related to multiple assets associated with a securitization of said multiple assets at paragraph 137,316.

McDonald teaches reviewing asset-related data contained on at least one document, receiving said document into said database on a flow basis including receiving information from said document into said database as said document information becomes available for entry into said database, analyzing contents of said document to ensure compliance with at least one standard, and providing output data from said record in said database, wherein said output data includes at least data related to multiple assets associated with a securitization at paragraphs 124,127,130,137-138,315-316.

As per claims 32 McDonald anticipates:

reviewing asset-related data contained on at least one asset document at paragraphs 127,130,138;

receiving said asset document into said database on a flow basis including receiving information from said asset document into said database as said asset document information becomes available for entry into said database at paragraphs 130, 315; analyzing contents of said document to ensure compliance with at least one standard at paragraph 124;

and providing output data from said record in said database, wherein said output data includes at least data related to multiple assets associated with a securitization at paragraph 137-138.

McDonald teaches reviewing asset-related data contained on at least one asset document, receiving said asset document into said database on a flow basis including receiving information from said asset document into said database as said asset document information becomes available for entry into said database, analyzing contents of said document to ensure compliance with at least one standard, and providing output data from said record in said database, wherein said output data includes at least data related to multiple assets associated with a securitization paragraphs 124,127,130,137-138, 315.

As per claims 2,21 McDonald anticipates:

associating an asset with a record in a database at paragraph 32;
inventorying an asset document into the associated record in the database on a flow basis including inventorying information from said asset document into the database as asset document information becomes available for inventorying at paragraphs 130,315;
analyzing contents of the asset document to ensure compliance with at least one standard pursuant to securitization of multiple assets at paragraph 124;
providing specific information contained in the record to a user on demand at paragraph 137;
and generating common information from a plurality of the records pursuant to securitization of multiple assets at paragraph 334.

McDonald teaches associating an asset with a record in a database, inventorying an asset document into the associated record in the database on a flow basis including

inventorying information from said asset document into the database as asset document information becomes available for inventorying, analyzing contents of the asset document to ensure compliance with at least one standard, providing specific information contained in the record to a user on demand and generating common information from a plurality of the records at paragraphs 32, 124,130,135,137,315,334.

As per claim 4 same as claim arguments above and McDonald anticipates: retrieving data stored in the associated record and comparing the contents of the asset document to the retrieved data paragraph 77.

As per claims 6,16,24 same as claim arguments above and McDonald anticipates: determining the common information required from a plurality of the asset documents, initiating a query in the database whereby the query collects all records containing the common information thereby creating a plurality of asset records, aggregating the common information contained in the plurality of records, displaying the aggregated common information and extracting the aggregated common information at paragraph 32.

As per claim 7 same as claim arguments above and McDonald anticipates: wherein the standard comprises a banking standard for securitizing a financial instrument at paragraph 124.

As per claim 8, 22 same as claim arguments above and McDonald anticipates: wherein the asset comprises a commercial mortgage loan at paragraph 31.

As per claim 20 same as claim arguments above and McDonald anticipates: wherein the database includes a relational database at paragraph 30.

As per claim 23 same as claim arguments above and McDonald teaches:

wherein the standard comprises applicable standards for loan securitization at paragraph 124.

As per claims 25,37 McDonald anticipates:

a data input device for receiving first information from an asset document associated with an asset from an input source on a flow basis including receiving said first information as said first information becomes available for entry where information from a plurality of the asset documents associated with the asset comprise a record at paragraphs 130, 315 and fig. 4D;

a storage device for storing the record at paragraph 30;

a processor for generating comparison data wherein the comparison data comprises compared data fields of the stored first information from a plurality of the asset documents with in the record, retrieving the comparison data and providing the comparison data to a user pursuant to securitization of multiple assets at paragraph 32 and fig. 8E and 8F;

retrieving second information where the second information comprises the asset documents common data fields within the record and providing the second information to a user pursuant to securitization of multiple assets at paragraph 32;

retrieving third information where the third information comprises data from fields common to the multiple records and providing the third information to a user pursuant to securitization of multiple assets at paragraph 32;

identifying missing data for the asset and providing a missing data output to notify a user paragraph 228,230;

and a data output device for generating first output information from the processor pursuant to securitization of multiple assets at 228, 230.

McDonald teaches a data input device for receiving first information from an asset document associated with an asset from an input source on a flow basis including receiving said first information as said first information becomes available for entry where information from a plurality of the asset documents associated with the asset comprise a record, a storage device for storing the record, a processor for generating comparison data wherein the comparison data comprises compared data fields of the stored first information from a plurality of the asset documents with in the record, retrieving the comparison data and providing the comparison data to a user , retrieving second information where the second information comprises the asset documents common data fields within the record and providing the second information to a user, retrieving third information where the third information comprises data from fields common to the multiple records and providing the third information to a user, identifying missing data for the asset and providing a missing data output to notify a user, and a data output device for generating first output information from the processor at paragraphs 32,130,228,230, 315 and fig. 4D, 8E,8F.

As per claim 26 same as claim arguments above and McDonald teaches: wherein the storage device includes a relational database at paragraph 30 (note: Microsoft Access).

As per claim 27 same as claim arguments above and McDonald teaches:
wherein the first information is electronically transferred to the computer system at
paragraph 28, fig. 1.

As per claim 28 same as claim arguments above and McDonald teaches:
wherein the first information is transferred to the computer system over a
telecommunications system at paragraph 28, fig. 1.

As per claim 29 same as claim arguments above and McDonald anticipates:
wherein the processor aggregates information from a plurality of the assets thereby
creating an asset aggregation output for use in securitizing the assets into a financial
instrument pursuant to securitization of multiple assets at paragraph 338.

As per claim 30 McDonald anticipates:
a means for inputting information regarding a plurality of commercial mortgage loans on
a flow basis pursuant to securitization of multiple assets including inputting and
commercial loan information as said commercial mortgage information becomes
available for input at paragraphs 130, 315 and fig. 4D;
a means for storing the information regarding the commercial mortgage loans at
paragraph 30;
a first query means for collecting information from at least one commercial mortgage
loan at paragraph 130;
a first query result presentation means for presenting the collected information
paragraph 338 and fig. 8e;

a second query means for determining if any data is missing from the commercial mortgage loan paragraph 190;

a second query result presentation means for presenting a missing data alert at paragraph 230;

a means for aggregating the information of the commercial mortgage loans wherein the means for aggregating has an asset analysis means for determining if the commercial mortgage loan is prepared for securitization at paragraph 316 and fig.8e, 8f (Calculation results and Qualification information);

a means for displaying aggregated information at fig. 8e-8f;

a means for alerting a user if any aggregated information necessary for securitization is missing at paragraph 230;

and a means for extracting information at figs. 8e-8F (Calculation results and Qualification information).

McDonald teaches a means for inputting information regarding a plurality of commercial mortgage loans on a flow basis including inputting aid commercial loan information as said commercial mortgage information becomes available for input, a means for storing the information regarding the commercial mortgage loans, a first query means for collecting information from at least one commercial mortgage loan, a first query result presentation means for presenting the collected information, a second query means for determining if any data is missing from the commercial mortgage loan, a second query result presentation means for presenting a missing data alert, a means for aggregating the information of the commercial mortgage loans wherein the means

for aggregating has an asset analysis means for determining if the commercial mortgage loan is prepared for securitization , a means for displaying aggregated information, a means for alerting a user if any aggregated information necessary for securitization is missing , and a means for extracting information at paragraph 30,130, 190,230,315-316, 338 and fig. 8e-8f, 4D.

As per claim 31 McDonald anticipates:

inventorying an asset document into the associated record in the database in near real time as the asset document becomes available to the loan originator paragraph 130, fig. 4D;

analyzing contents of the asset document to ensure compliance with customary standards for loan securitization paragraph 124;

providing specific information contained in the record to a user pursuant to securitization of multiple assets at figs. 8E, 8F;

and generating common information from a plurality of the records where the common information is generated for the purpose of securitizing the asset into a trust and providing common information to potential investors in the trust pursuant to securitization of multiple assets at paragraph 32,316.

McDonald teaches inventorying an asset document into the associated record in the database in near real time as the asset document becomes available to the loan originator analyzing contents of the asset document to ensure compliance with customary standards for loan securitization, providing specific information contained in the asset document to a user, and generating common information from a plurality of

the records where the common information is generated for the purpose of securitizing the asset into a trust and providing common information to potential investors in the trust at paragraphs 32, 124, 130, 316 and figs. 4D, 8E, 8F.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 3, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al (Pub. No.: US 2004/0019558) in view of Johnson et al. (US 5,813,009).**

As per claim 3 same as claim arguments above McDonald teaches:
determining a necessary asset document for origination or updating of the record at paragraph 107;
entering information contained in the necessary asset document into the record of the database on a flow basis at paragraph 105;
and reviewing the record and the electronic facsimile to ensure compliance with at least one standard at paragraph 124.

McDonald does not explicitly teach scanning the necessary asset document for the purpose of creating an electronic facsimile of the necessary asset document

however Johnson does teach this limitation at abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to eliminate paper record keeping (abstract).

As per claim 9 same as claim arguments above and Johnson teaches: wherein the inventorying step further comprises generating an identification marker and affixing the identification marker to the necessary asset document at abstract.

As per claim 10 same as claim arguments above and McDonald teaches: wherein the standard comprises a legal standard for document quality at paragraph 124.

As per claim 11 same as claim arguments above and McDonald teaches: wherein the inventorying step further comprises initiating a query to determine missing data for the associated record at paragraph 239.

6. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al (Pub. No.: US 2004/0019558) in view of Fraser et al. (US 5,995,947).

As per claim 5, same as claim arguments above and McDonald does not explicitly teach requesting specific information contained in the asset document, locating a record associated with the asset document, retrieving the record, and extracting the specific information contained in the record however Fraser does teach this at col.10, lines 47-55. Thus it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine the cited references to automate loan applications (col.1, lines 66-67).

7. Claims 12-14 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al (Pub. No.: US 2004/0019558) in view of Fraser et al. (US 5,995,947) and further in view of Broadbent et al (Pub. No. US 2001/0047326).

As per claims 12-13 same as claim arguments above and Fraser does not explicitly teach publishing the required information on a website and writing to a computer readable medium however Broadbent does teach these limitations at paragraph 280, 286. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to communicate with the user.

As per claim 14 same as claim arguments above and Fraser does not explicitly teach sending an e-mail message containing the required information however Broadbent does teach these limitations at paragraph 280, 286. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to communicate with the user.

8. Claims 15,33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al (Pub. No.: US 2004/0019558) in view of Fraser et al. (US 5,995,947) and further in view of Johnson et al. (US 5,813,009).

As per claim 15 same as claim arguments above and Fraser does not explicitly teach generating a copy of the electronic facsimile of the asset document containing the specific information however Johnson does teach this limitation at abstract. It would

have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to eliminate paper record keeping (abstract).

As per claims 33,36 McDonald teaches:

associating an asset with a record in a database at paragraph 32;

inventorying an asset document into the associated record in the database on a flow basis including inventorying information from said asset document into the database as asset document information becomes available for inventorying at paragraphs 130,315;

analyzing contents of the asset document to ensure compliance with at least one standard pursuant to securitization of multiple assets at paragraph 124;

providing specific information contained in the record to a user on demand at paragraph 137;

and generating common information from a plurality of the records pursuant to securitization of multiple assets at paragraph 334;

determining a necessary asset document for origination or updating of the record at paragraph 107;

entering information contained in the necessary asset document into the record of the database on a flow basis at paragraph 105;

and reviewing the record and the electronic facsimile to ensure compliance with at least one standard at paragraph 124;

retrieving data stored in the associated record and comparing the contents of the asset document to the retrieved data paragraph 77;

determining the common information required from a plurality of the asset documents, initiating a query in the database whereby the query collects all records containing the common information thereby creating a plurality of asset records, aggregating the common information contained in the plurality of records, displaying the aggregated common information and extracting the aggregated common information at paragraph 32.

McDonald does not explicitly teach requesting specific information contained in the asset document, locating a record associated with the asset document, retrieving the record, and extracting the specific information contained in the record however Fraser does teach this at col.10, lines 47-55. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to automate loan applications (col.1, lines 66-67).

McDonald and Fraser do not explicitly teach scanning the necessary asset document for the purpose of creating an electronic facsimile of the necessary asset document however Johnson does teach this limitation at abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to eliminate paper record keeping (abstract).

As per claim34 same as claim arguments above and McDonald anticipates: wherein the asset comprises a commercial mortgage loan at paragraph 31.

As per claim 35 same as claim arguments above and McDonald teaches: wherein the standard comprises a legal standard for document quality at paragraph 124.

9. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al (Pub. No.: US 2004/0019558) in view of Broadbent et al (Pub. No. US 2001/0047326.

As per claims 17-18 same as claim arguments above and McDonald does not explicitly teach publishing the common information on a website. Broadbent does teach these limitations at paragraph 280, 286. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to communicate with the user.

As per claim 19 same as claim arguments above and McDonald does not explicitly teach sending an e-mail message containing the common information. Broadbent does teach these limitations at paragraph 280, 286. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to communicate with the user.

Response to Arguments

10. Applicant's arguments filed September 27, 2004 have been fully considered but they are not persuasive.

11. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 1, Applicant argues McDonald et al (US 2004/0019558) does not explicitly teach "securitization" however McDonald does teach this at paragraph 316

(gathering information and disclosing information to the buyer or borrower, and providing proper documentation to the lender or investor).

Regarding claim1, Applicant argues McDonald does not teach multiple assets associated with a securitization however this limitation is taught at paragraph 138.

12. Applicant argues McDonald does not teach a plurality of commercial loan mortgages or an asset analysis means for determining if the commercial mortgage is prepared for securitization, however Examiner respectfully disagrees. McDonald teaches securitization at paragraph 136 and asset analysis at fig.8E, 8F.

13. Applicant argues McDonald does not teach flow basis, Examiner respectfully disagrees. As described in the Specification in paragraph 46, "Flow basis" indicates that information is analyzed and entered into the database as the information becomes available to loan originator or someone responsible for loan maintenance or any other user." McDonald teaches this limitation at paragraphs 130 and 315. Information is entered automatically or by the originator or Broker/Lender. The originator enters input data he has or obtains (as it becomes available to enter).

14.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-4117. The examiner can normally be reached on M,T,H (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan Rayyan
September 19, 2005


Primary Examiner
Art Unit 2167